

REMARKS

Claims 29 and 45-77 are pending. Applicant thanks the Examiner for allowing claims 29, 46-57, 59-64, 67, 68 and 70-75. Claims 45, 58, 65, 66, 69, 76 and 77 are rejected on 112 second paragraph grounds and the Examiner has stated on page 3 of the office action that these claims "would also be allowed if amended to overcome" the 112 rejections. In response, applicant amends these latter claims to bring them in condition for allowance and does not add any new matter.

Reconsideration and allowance of the remaining claims courteously is solicited.

Objection to the Specification

The Examiner argues on the top of page 2 that claim 45 lines 2-3 and the last line, contains language ("between 20 and 120 wgt" and "at least two thirds the depth of sludge" respectively) that is not supported by the present specification. In response, applicant has removed this language from claim 45.

Reconsideration and removal of this objection are requested.

The 112 2nd paragraph rejection

A. Claims 45 and 65

On page 2 of the office action, the Examiner rejects claims 45 and 65 on an argument that "the sludge" recited therein lacks antecedent basis. In response, applicant points out that independent claim that these two claims depend on provide antecedence. To make the claim language more clear in this respect, the term "the" has been converted to "said" in claims 45 and 65, which refers to the "sludge" in claim 29. Claims 66 and 77 depend on claim 65 and have been rejected as being indefinite for this same reason.

Reconsideration and allowance of claims 45, 65, 66 and 77 are requested.

B. Claim 76

On page 2, the Examiner argues that "the material" in claim 76 lacks antecedent basis. In response, applicant has amended this claim to recite "sludge" in place of "the material."

Reconsideration and allowance are requested.

C. Claim 58

Claim 58 was rejected as indefinite because of improper use of "dewatered" material. In response, the term "dewatered" in claim 29d has been deleted. The deletion does not affect the claim and the claim remains grammatically correct when read with dependent claim 58.

Reconsideration and allowance are requested.

D. Claim 69


The term "conventional" has been deleted from claim 69 in response to the Examiner's argument that this term is indefinite. The term is not needed.

Reconsideration and allowance are requested.

CONCLUSION

The claims have been amended to place the unallowed claims in condition for allowance. Reconsideration of the 112 2nd paragraph rejections are requested. If a telephonic meeting would be helpful to handle any remaining issues, the Examiner is requested to contact Marvin Motsenbocker at 202-912-2195.

Respectfully submitted,



Date: September 30, 2004

HELLER EHRMAN WHITE &
MCAULIFFE
1666 K Street, NW, Suite 300
Washington, DC 20006
Phone: (202) 912-2000
Fax: (202) 912-2020

Marvin A. Motsenbocker
Attorney for Applicant
Registration No. 36,614